

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOHN DOES 1-7,

Plaintiffs,

v.

Case No. 16-13765

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendant.

ORDER TO SHOW CAUSE

Plaintiffs filed the instant complaint on October 21, 2016, along with an indication that it is a companion to an earlier case, *John Doe 1, et al., v. Michigan Dept. of Corrections*, No. 13-14356 (E.D. Mich.) (Dkt. #1.) This case was reassigned from Judge Leitman to the undersigned, who is presiding over the companion case. There, the court granted a motion for summary judgment on February 8, 2016, against the first seven John Doe Plaintiffs for failure to exhaust administrative remedies with the exception of “John Doe 3,” for whom some question existed as to whether the failure to exhaust had been excused. The court then denied Plaintiff’s Motion for Reconsideration of this decision on May 5, 2016.

The new complaint appears to be a bare re-filing of the same five claims against the same Defendants by the same six Plaintiffs who had already been dismissed in the companion case. The complaints are essentially identical, and the portions of the complaint which identify the facts germane to each Plaintiff appear to have been copied verbatim. Even the numbers associated with the John Doe Plaintiffs are consistent with

those that were dismissed in the previous action, listing John Does numbered one through seven with number three excepted. "A suit is duplicative, and therefore subject to dismissal, if the claims, parties, and available relief do not significantly differ between the two actions." *Colston v. Cramer*, No. 07-12726, 2008 WL 3884391, at *3 (E.D. Mich. Aug. 12, 2008). Under this standard, the instant complaint appears to be duplicative of the companion case. Accordingly,

IT IS ORDERED that Plaintiff SHOW CAUSE, in a writing filed no later than **December 19, 2016**, why the complaint should not be dismissed with prejudice.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 8, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 8, 2016, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522